

REMARKS

The Office Action mailed May 17, 2005 and references cited therein have been reviewed. In an effort to place the above-identified patent application in allowable form, Applicant has canceled claim 12, amended claims 1, 14 and 16, and added new claims 22-40. The Examiner indicated that claims 12-15 were objected to but would be allowable if placed in independent form. Applicant has amended claim 1 to include the limitation of claim 12. Applicant submits that claim 1-11 and 13-15 are now in allowable form.

THE SECTION 101 REJECTION

The Examiner also rejected claims 1, 3-8, 10-16, 18 and 20 under 35 U.S.C. §101 as claiming the same invention as defined in copending U.S. Application Serial No. 10/688,233. Applicant requests the Examiner withdraw the objection. As the Examiner acknowledged, the claims in the present invention are directed to a collimator and method for making a collimator. Claim 1 includes two method steps that specifically refer to a collimator. Claim 16 is a product claim that is directly limited to a collimator. The claims in U.S. Application Serial No. 10/688,233 are acknowledged by the Examiner as being directed to a micro-reactor and method for making a micro-reactor. Applicant submits that collimators and micro-reactors are two distinctly different devices. Indeed, Applicant submits that one skilled in the art of collimators would not consider art in the field of micro-reactors to solve any type of problem associated with collimators or the manufacture thereof. Applicant devised a novel manufacturing method for forming unique and/or complex shapes by the use of metal foil layers. Applicant then decided to file applications on two distinct applications of this technology. As the Examiner is aware, for a device to infringe a claim, the device must include every limitation of such claim. As set forth above

and acknowledged by the Examiner, the claims in the present invention and in U.S. Application Serial No. 10/688,233 are directed to two different products. As such, the claims in these two applications cannot include every limitation. Applicant requests reconsideration of the rejection under 35 U.S.C. §101.

THE SECTION 102 REJECTION

Claims 1-8 and 16-18 were rejected under 35 U.S.C. §102(b) as being anticipated by Pellegrino. Applicant amended claim 1 to include the limitation of claim 12, thereby making the rejection of claims 1-8 moot. Claim 16 requires the collimator to be formed of 1) a plurality of metal layers, and 2) that each of the metal layers are connected together by a brazing metal, 3) the brazing material has a different composition and melting temperature than the metal of the metal layers, and 4) the metal layers include a metal selected from the group consisting of bismuth, cadmium, cobalt, erbium, hafnium, iridium, niobium, osmium, palladium, rhenium, rhodium, ruthenium, tantalum, technetium, terbium, thallium, thulium and/or tungsten. Pellegrino does not disclose the formation of a collimator. For this reason alone, Pellegrino cannot anticipate claim 16. In addition, Pellegrino is formed of metal layers of beryllium-copper alloy or brass. Pellegrino does not disclose teach or suggest the composition of the metal layers defined in claim 16. For this additional reason, Pellegrino does not anticipate claim 16 or any claim dependent therefrom.

THE SECTION 103 REJECTION

Claims 9-11 and 19-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pellegrino in view of Norris. Norris does not disclose, teach or suggest a collimator. As stated above, Pellegrino does not disclose, teach or suggest a collimator.

For this reason alone, Pellegrino in view of Norris cannot make obvious any of the pending claims. In addition, Norris does not disclose teach or suggest a metal layer formed of bismuth, cadmium, cobalt, erbium, hafnium, iridium, niobium, osmium, palladium, rhenium, rhodium, ruthenium, tantalum, technetium, terbium, thallium, thulium and/or tungsten. Norris is limited to the teaching of connecting together titanium alloys. For this additional reason, Pellegrino in view of Norris cannot make obvious any of the pending claims.

Applicant submits that the pending claims are not obvious in view of the cited art of record.

Respectfully submitted,
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